



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,321	07/05/2001	Ken L. Burgess	64145-010800	9565

7590 07/23/2004
John R Posthumus Esq
Greenberg Traurig LLP
1200 Seventeenth Street Suite 2400
Denver, CO 80202

EXAMINER

CHOOBIN, BARRY

ART UNIT PAPER NUMBER

2625

DATE MAILED: 07/23/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,321

Applicant(s)

BURGESS

Examiner

Barry Choobin

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- ☐ Interview Summary (PTO-413) Paper No(s). ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on April 23, 2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Murphy et al (US 6,282,362).

As to claim 1, Murphy et al disclose a method for use with a geographic positioning receiver and a digital image recording device for matching geographic information recorded by the geographic positioning receiver with images recorded by the digital image recording device, said method comprising the steps of (geo addressing image data to the position where the image was captured corresponds to matching geographic information recorded. See column 9, lines 45-61); recording geographic information during the time that an image is recorded (column 9, lines 49-42); determining a first time that at least one digital image was recorded by the digital image recording device (Ti corresponds to a first time); determining the geographic information recorded by the geographic positioning receiver at the first time (column 9,

Art Unit: 2625

lines 50-61 wherein Li corresponds to determining the geographic information recorded by the geographic positioning receiver at the first time) ; and automatically matching the geographic information recorded at the first time with the image recorded at the first time (column 9, lines 55-61 wherein automatically geo-addressed to the position).

As to claims 2 and 3, Murphy disclose digital image recording device automatically records a first relative time when said digital image recording device records an image, wherein said step of determining a first time, further includes a step of determining a time stamp for an image recorded by the digital image recording device (recording in Murphy is time stamped by indication Ti. Refer for example to column 10, lines 1-5).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Art Unit: 2625

Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al in view of Milnes et al (US 2002/0057217).

As to claims 4 and 15, Murphy et al disclose the method of claim 1 (see claim 1).

Murphy does not expressly disclose step of: determining a time offset between the first time that at least one digital image was recorded and the time geographic information was recorded.

On the other hand, Milnes et al (US 002/0057217) disclose determining a time offset between the first time that at least one digital image was recorded and the time geographic information was recorded (see fig.14 step 540 and paragraph 0176 in order to match GPS data with appropriate video frame).

Murphy et al and Milnes et al are combinable because they both deal with GPS tracking system.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Murphy et al with the determining a time offset as taught by Milnes et al to enhance visual presentation (see Milnes et al page 1, paragraph 0008).

The motivation/suggestion for doing so would have been enhance accuracy of matching GPS data with appropriate video frames for an improvement for visual presentation of an object.

Therefore, it would have been obvious to combine the two prior art as presented above to obtain the invention as specified in claim 4.

As to claim 5, Murphy et al disclose a visual display indicating the relative time being tracked by the geographic positioning receiver (column 1, line 65 – column 2, line 8); wherein said step of determining a time offset, further includes a step of using the digital image recording device to record an image of the visual display of the geographic positioning receiver ((see Murphy et al Fig.1).

As to claims 6, 7, 16 and 19, Milens et al disclose determining an time offset, further includes a step of using an image of a UTC display recorded with the image recording device (inherently GPS uses a UTC for synchronizing the clock and consequently to determine the offset).

As to claims 8 and 28, Milnes et al disclose step of determining a time offset, further includes a step of interpolating between GPS epochs in the GPS log file (paragraph 0175).

As to claim 9, Milnes et al disclose synchronizing the image-recording device's clock data with the GPS receiver's clock data (Page 15, Paragraph 0176).

As to claim 10, this claim is similar to claim 1, with additional limitation of outputting a result representing a closest pairing of each said one or more images with a respective said information including a geographic location of said one or more images (this is taught by Milens et al in page 20, paragraph 0238).

As to claim 11, Milnes et al disclose the step of matching geographic location information with each digital representation of an image in a wireless operation (see Fig.2).

As to claim 12, Milnes et al disclose said information further includes longitude and latitude information corresponding to a current geographic location of a positioning device (page 5, Table 7).

As to claim 13, Milnes et al disclose information further includes time information corresponding to a current geographic location of a positioning device (paragraph 0176).

As to claims 14 and 23-24, limitations of claims 14 and 23-24 are addressed in rejection of claim 10.

As to claim 17, Milnes et al disclose step of at least one or calibrating and calculating, further includes a step of determining an offset of the image recording device's clock time (see fig.14).

As to claim 18, Milnes et al disclose step of at least one or calibrating and calculating, further includes a step of determining an offset of the time each image was created with respect to a world standard time (see fig.14).

AS to claim 20, Mines et al disclose recording, over time, multiple measurements of an image-recording device's clock time offset (fig.14).

As to claim 21, Milnes et al disclose step of at least one or calibrating and calculating, further includes a step of creating a calibration Image (paragraph 0176).

AS to claim 22, Milnes et al disclose step of at least one or calibrating and calculating, further includes a step of performing optical character recognition (fig.11).

As to claim 26, Milnes et al disclose location indicator is at least one of maintained in a separate file associated with a corresponding image file and configured for insertion into each image file (paragraph 0221).

As to claim 27, Milnes et al disclose step of time matching each image to geographic location information recorded by a positioning device (paragraph 0176).

As to claim 29, the limitations of this claim are addressed above. In a method for matching a recorded image with geographic data substantially corresponding to a geographic location where said image was recorded, one or more electronic devices comprising a data processor performing the steps of: (a) recording one or more images; (b) recording geographic data substantially corresponding to each image (see claim 1); (c) position tagging each image with a location indicator (see claim 25), of said geographic data, substantially closest in time to when each image was recorded; and (d) matching a time of recording of each image with said location indicator recorded substantially closest in time to when each image was recorded (see claim 27), in order to determine a geographic location of an electronic positioning device at a time or closest in time to when each image was recorded; and (e) outputting a matched result.

CONTACT INFOAMTION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry Choobin whose telephone number is 703-306-5787. The examiner can normally be reached on M-F 7:30 AM to 18:30 PM.


Art Unit: 2625

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Barry Choobin

July 15, 2004



BHAVESH M. MEHTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800